

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES F. CAMPENELLA	:	CIVIL ACTION
CONSTRUCTION CO., INC., et al.,	:	
	:	
Plaintiffs,	:	
v.	:	
	:	
GREAT AMERICAN INSURANCE	:	NO. 10-681
COMPANY OF NEW YORK,	:	
	:	
Defendant.	:	

ORDER

AND NOW, on this 24th day of November, 2010, following a bench trial on the issue of coverage, and for the reasons in the accompanying Memorandum, it is hereby ORDERED as follows:

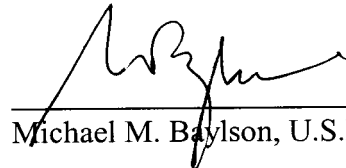
1. Defendant's request for declaratory relief on the soft-cost claims is GRANTED.

Defendant has no duty to provide coverage and no obligations to Plaintiffs for any of Plaintiffs' soft-cost claims made pursuant to the Time Element Coverage Supplemental Declarations resulting from the October 23, 2007 water incident. Accordingly, Plaintiffs' claimed soft costs are not eligible for appraisal.
2. Defendant's request for declaratory relief on the hard-costs claim is GRANTED in part and DENIED in part. Defendant has no duty to provide coverage and no obligations to Plaintiffs for any claimed hard costs relating to the October 23, 2007 water incident incurred because of delay. The parties are directed to submit their disputes regarding the remainder of the claimed hard costs to appraisal. Defendant may no longer deny liability for these losses, but may dispute their amount. The appraisers shall determine the amount of Plaintiffs' hard-cost losses, excluding costs incurred because of project delay, less the

amount Defendant has already paid.

3. Each party shall have seven (7) days from the entry of this Order to designate their respective appraiser. The appraisers shall have fourteen (14) days from the selection of the last appraiser to agree upon an umpire. If the appraisers are unable to agree upon an umpire by that time, the parties shall have seven (7) days to request a court with competent jurisdiction to designate an umpire.
4. Plaintiffs' Motion for Leave to File a Second Motion for Partial Summary Judgment (ECF No. 49) is DENIED as moot.
5. This Court will not enter Final Judgment until and unless the parties report that the appraisal process has been completed, or one party seeks entry of Final Judgment.

BY THE COURT:



Michael M. Baylson, U.S.D.J.

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